

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-14-05

WHEREAS, ACROPOLIS REALTY LLC had applied to Community Zoning Appeals Board 12 for the following:

- (1) RU-5A & BU-1 to OPD
- (2) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site, which limited the commercial uses and tied the BU-1 site to a plan.

- (3) The applicant is requesting to permit a lot with an area of 2.94 acres. (The underlying zoning district regulation requires 3 acres including right-of-way dedication).
- (4) The applicant is requesting to permit a floor area ratio of 0.94. (The underlying zoning regulation permits 0.86).

Plans are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south $\frac{1}{2}$ of the south $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ less the east 35' thereof and less the west 25' thereof, in Section 4, Township 55 South, Range 40 East. The south 20' of the right-of-way of S.W. 89 Terrace and the east 25' of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and at which time the applicant requested a waiver of the refilling period, and

WHEREAS, upon due and proper consideration having been given to the matter, it was the opinion of the Board that the requested district boundary change to OPD (Item #1)

would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio of 0.94 (Item #4) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested waiver of the refiling period should be granted, and said application was denied by CZAB12-6-04, and

WHEREAS, ACROPOLIS REALTY LLC had appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

- (1) RU-5A & BU-1 to OPD
- (2) The applicant is requesting to permit a lot with an area of 2.94 acres (3 acres required).
- (3) The applicant is requesting to permit a floor area ratio of 0.94 (0.86 permitted).

OR IN THE ALTERNATIVE TO REQUESTS #1 - #3, THE FOLLOWING:

- (4) RU-5A & BU-1 to RU-5A

AND WITH EITHER REQUEST:

- (5) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site, which limits the uses on the commercial parcel and ties the site to a specific plan.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #5 request may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

Plans for the OPD proposal only are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼, less the east 35' thereof and less the west 25' thereof, in Section 4, Township 55 South, Range 40 East. The south 20' of the right-of-way of S.W. 89 Terrace and the east 25' of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 12, and after having given an opportunity for interested parties to be heard, it was the opinion of the Board to vacate resolution CZAB12-6-04 and to remand the application back to Community Appeals Board 12 for further consideration with leave to amend, and said application was remanded by resolution Z-35-04, and

WHEREAS, **ACROPOLIS REALTY LLC** applied to Community Zoning Appeals Board 12 for the following:

- (1) RU-5A & BU-1 to OPD
- (2) The applicant is requesting to permit a lot with an area of 2.94 acres (3 acres required).
- (3) The applicant is requesting to permit a floor area ratio of 0.94 (0.86 permitted).

OR IN THE ALTERNATIVE TO REQUESTS #1 - #3, THE FOLLOWING:

- (4) RU-5A & BU-1 to RU-5A

AND WITH EITHER REQUEST:

- (5) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site, which limits the uses on the commercial parcel and ties the site to a specific plan.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #5 request may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

Plans for the OPD proposal only are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., consisting of 8 pages, dated, signed and sealed 12-6-04 and two pages of landscape plans dated 10-22-04. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼ less the east 35' thereof and less the west 25' thereof, in Section 4, Township 55 South, Range 40 East. The south 20' of the right-of-way of S.W. 89 Terrace and the east 25' of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and and that the request in the ad to permit a floor area ratio of 0.94 (Item #3) was modified by the applicant to permit a floor area of 0.80, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

Site Plan.

- A. That said Property shall be developed substantially in accordance with the plans previously submitted, entitled, "Agora Professional Building," as prepared by Fullerton Diaz Architects, Inc., consisting of eight (8) pages dated, signed and sealed 12/6/04 and two (2) pages of landscape plans dated 10/22/04 (the "Site Plan"), said plans being on file with the County Department of Planning and Zoning, and by reference made a part of this agreement. The Site Plan may be modified at Public hearing.
- B. That a road closing petition is also being processed in connection with the Application, (Petition P-743, as may be modified or amended; the "Petition"); however, no building permits shall be issued prior to the approval of the Petition.

WHEREAS, upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 12 that requested district boundary change to OPD (Item #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the request to permit a lot with an area of 2.94 acres (Item #2) would meet the standards of the alternative site development option zoning regulation, and so promote the objectives of creative urban design, infill development and redevelopment and/or preservation and enhancement of

property values, and would not contravene the public interest standards enumerated in such regulation, with the result that the public interest served by the underlying zoning district regulations and the CDMP will be commensurately served, and that the modified request to permit a floor area ratio of 0.80 (Item #3), and the requested deletion of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329 (Item #5) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the proffered Declaration of Restrictions should be accepted, and that the requested district boundary change to RU-5A (Item #4) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and said application was approved by Resolution No. CZAB12-1-05, and

WHEREAS, WILLIAM P. HARRIS & KATHRYN ESTEVEZ appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

- (1) RU-5A & BU-1 to OPD
- (2) The applicant is requesting to permit a lot with an area of 2.94 acres (3 acres required).
- (3) The applicant is requesting to permit a floor area ratio of 0.94 (0.86 permitted).

OR IN THE ALTERNATIVE TO REQUESTS #1 - #3, THE FOLLOWING:

- (4) RU-5A & BU-1 to RU-5A

AND WITH EITHER REQUEST:

- (5) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site, which limits the uses on the commercial parcel and ties the site to a specific plan.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #5 request may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

Plans for the OPD proposal only are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., consisting of 8 pages, dated, signed and sealed 12-6-04 and two pages of landscape plans dated 10-22-04. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼, less the east 35' thereof and less the west 25' thereof, in Section 4, Township 55 South, Range 40 East. The south 20' of the right-of-way of S.W. 89 Terrace and the east 25' of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the appellant requested permission to withdraw the appeal, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 12 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the request to withdraw the appeal should be granted and that the decision of Community Zoning Appeals Board 12 should be sustained, and

WHEREAS, a motion to grant the request to withdraw the appeal without prejudice was offered by Commissioner Dorrin D. Rolle, seconded by Commissioner Bruno A. Barreiro, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Dr. Barbara M. Carey-Shuler	absent	Dorrin D. Rolle	aye
Jose "Pepe" Diaz	aye	Natacha Seijas	absent
Carlos A. Gimenez	aye	Katy Sorenson	aye
Sally A. Heyman	aye	Rebecca Sosa	aye
Barbara J. Jordan	aye	Sen. Javier D. Souto	absent

Chairperson Joe A. Martinez absent


NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners,
Miami-Dade County, Florida, that the request to withdraw the appeal be and the same is
hereby granted without prejudice.

BE IT FURTHER RESOLVED that Resolution No. CZAB12-1-05 remains in full force
and effect.

The Director is hereby authorized to make the necessary changes and notations
upon the maps and records of the Miami-Dade County Department of Planning and Zoning
and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 9th day of
June, 2005, and shall become effective ten (10) days after the date of its adoption unless
vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this
Board.

No. 03—11-CZ12-1
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By _____
Deputy Clerk

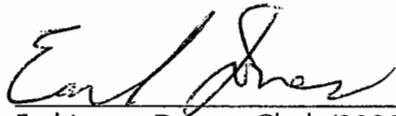
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY
COMMISSIONERS ON THE 21ST DAY OF JUNE, 2005.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-14-05 adopted by said Board of County Commissioners at its meeting held on the 9th day of June, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 21st day of June, 2005.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





Department of Planning and Zoning

Stephen P. Clark Center
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

June 21, 2005

Acropolis Realty LLC
c/o Chad Willard
999 Ponce de Leon Boulevard
Suite 1000
Coral Gables, FL 33134

Re: Hearing No. 03-11-CZ12-1
Location: 8960-70 S.W. 87 Court,
Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-14-05, adopted by the Board of County Commissioners, which granted the appellant's request for a withdrawal of the appeal without prejudice, on the above-described property.

Be advised that the decision of the Board may be appealed to Circuit Court within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. The date of transmittal is June 21, 2005.

Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Ginsburg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure

ADA Coordination

Agenda Coordination

Animal Services

Art in Public Places

Audit and Management Services

Aviation

Building

Building Code Compliance

Business Development

Capital Improvements Construction Coordination

Citizens' Independent Transportation Trust

Commission on Ethics and Public Trust

Communications

Community Action Agency

Community & Economic Development

Community Relations

Consumer Services

Corrections & Rehabilitation

Cultural Affairs

Elections

Emergency Management

Employee Relations

Empowerment Trust

Enterprise Technology Services

Environmental Resources Management

Fair Employment Practices

Finance

Fire Rescue

General Services Administration

Historic Preservation

Homeless Trust

Housing Agency

Housing Finance Authority

Human Services

Independent Review Panel

International Trade Consortium

Juvenile Assessment Center

Medical Examiner

Metro-Miami Action Plan

Metropolitan Planning Organization

Park and Recreation

Planning and Zoning

Police

Procurement Management

Property Appraiser

Public Library System

Public Works

Safe Neighborhood Parks

Seaport

Solid Waste Management

Strategic Business Management

Team Metro

Transit

Task Force on Urban Economic Revitalization

Vizcaya Museum And Gardens

Water & Sewer